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Attorneys for Defendants

C&S LOGISTICS OF HAWAII, LLC, C&S

WHOLESALE GROCERS, INC., C&S

ACQUISITIONS LLC; ES3, LLC, and RICHARD

COHEN

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	CIVIL NO. CV03-00385 SOM-LEK
	)	(Copyright)
Plaintiff,)	
vs.	)	C&S LOGISTICS OF HAWAII,
	)	LLC, C&S WHOLESALE
HAWAIIAN EXPRESS SERVICE,	)	GROCERS, INC., C&S
INC., et al.,	)	ACQUISITIONS LLC; ES3, LLC,
	)	and RICHARD COHEN
Defendants.	)	STATEMENT OF
	)	CONSULTATION; DECLARATION
	)	OF LEX R. SMITH; CERTIFICATE
	)	OF SERVICE
)	
	)	Non-Hearing
)	Magistrate: Hon. Leslie Kobayashi
)	Trial Date: February 28, 2006
)	Judgment Entered: March 9, 2006

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C&S LOGISTICS OF HAWAII, LLC, C&S WHOLESALE
GROCERS, INC., C&S ACQUISITIONS LLC; ES3, LLC, and
RICHARD COHEN'S STATEMENT OF CONSULTATION

Pursuant to Local Rule 54.3(b), Defendants C&S LOGISTICS OF
HAWAII, LLC, C&S WHOLESALE GROCERS, INC., C&S
ACQUISITIONS LLC; ES3, LLC, and RICHARD COHEN ("C&S")
hereby submit their statement of Consultation.

On March 23, 2006, C&S filed its Motion for Attorney's Fees and
Costs. On March 28, 2006, C&S' counsel and Plaintiff's counsel met and
conferred. Counsel for C&S and the Plaintiff attempted, in good faith, to
reach an agreement regarding their clients' respective motions for attorneys'
fees and costs in accordance with Local Rule 54.3(b). Unfortunately, the
parties were unable to reach an agreement. *See* the Declaration of Lex R.
Smith.

Dated: Honolulu, Hawaii, April 6, 2006.

KOBAYASHI, SUGITA & GODA	<u>/s/ Thomas H. Yee</u>
	LEX R. SMITH
	THOMAS H. YEE
	Attorneys for Defendants
	C&S LOGISTICS OF HAWAII,
	LLC, C&S WHOLESALE
	GROCERS, INC., C&S
	ACQUISITIONS LLC; ES3, LLC,
	and RICHARD COHEN